

## **REMARKS**

### **Amendments**

#### ***Amendments to the Claims***

Applicant has amended the independent claims to claim that the distribution tool includes identification information for the server and the client. In addition, Applicant further claims that the distribution tool is embedded in the data and is subsequently transmitted to the server by a different client after the different client downloads said data from the client. No new matter has been added as a result of these amendments as they are supported by the dependent claims as originally filed, and in paragraph 25, 31, and 32, *intra alia*, of the specification as originally filed.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 103(a)***

#### **Claims 1, 2, 4, 8-10, 14-20, 24-28, 30, 31, 36-39 and 43-50**

Claims 1, 2, 4, 8-10, 14-20, 24-28, 30, 31, 36-39 and 43-50 stand rejected under 35 U.S.C. § 102(e) as being unpatentable by Levy et al., U.S. Publication 20030174861 (previously cited), Stefik et al., U.S. Patent No. 5,638,443 (previously cited), and Detlef et al., U.S. Patent No. 6,848,002. Applicant does not admit that either Levy or Detlef is prior art and reserves the right to challenge them at a later date. Nevertheless, Applicant respectfully submits that this combination does not teach each and every element of the invention as claimed in claims 1, 2, 4, 7-11, 14-21, 24-28, 30, 31, 33, 36-40 and 43-50.

Levy discloses a system of distributors licensed to distribute content to end users. The distributors include owners of the content, such as the artist or copyright holder. The distributors can embed links (OID) in the content that points to additional information associated with the content, i.e., metadata. Levy further discloses that if an end user receives content without a link, the end user can embed a link to metadata created by the end user. Subsequent end users of the content will then be directed to the metadata created by this end user. Furthermore, Levy discloses a distributor identifier that is embedded in the content.

Stefik discloses a system for controlling the use and distribution of composite digital works. A consumer of the composite digital work can redistribute the composite digital work.

Detlef discloses updating and maintaining content provider information and locations in a registry. However, Detlef is silent on whether distributor identifiers are embedded in the content

In claims 1, 2, 4, 8-10, 14-20, 24-28, 30, 31, 36-39 and 43-50, Applicant claims a distribution tool that includes identification information for the server and the client. Furthermore, Applicant claims that this distribution tool is embedded in the data and is subsequently transmitted to the server by a different client after the different client downloads said data from the client. The Examiner equates Levy's distributor identification to Applicant's distribution tool. However, Levy's distributor identification includes just one identifier, and not two identifiers. Thus, Levy cannot teach or suggest a distribution tool that includes identification information for the server and the client as claimed. Furthermore, because Levy does not teach or suggest Applicant's distributional tool as claimed, Levy cannot teach or suggest as distribution tool is embedded in the data and is subsequently transmitted to the server by a different client after the different client downloads said data from the client as claimed.

Stefik discloses that customers can redistribute content but is silent on how those redistributing customers are identified to other clients that want to receive the content. Thus, Stefik cannot be properly interpreted as teaching or suggesting Applicant's distribution tool as claimed.

Because Detlef is silent on whether distribution identifiers are embedded into the content, Detlef does not teach or suggest Applicant's distribution tool as claimed.

Accordingly, Applicant respectfully submits that the invention claimed in claims 1, 2, 4, 8-10, 14-20, 24-28, 30, 31, 36-39 and 43-50 is not rendered obvious by the combination of Levy, Stefik, and Detlef under 35 U.S.C. § 103(a) and respectfully requests the withdrawal of the rejection of the claims.

### **SUMMARY**

Claims 1, 2, 4, 8-10, 14-20, 24-28, 30, 31, 36-39 and 43-50 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x3476.

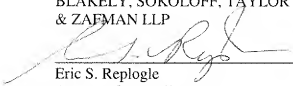
### **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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